

**Response under 37 C.F.R. 1.116**

Applicant: Travis J. Parry et al.

Serial No.: 09/873,094

Filed: June 1, 2001

Docket No.: 10005949-1

Title: METHODS AND APPARATUS FOR PROMOTING USE OF CONSUMABLE GOODS IN IMAGING DEVICES

**REMARKS**

The following Remarks are made in response to the Final Office Action mailed July 3, 2007, in which claims 1-36 were rejected.

Claims 1-36 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 103**

Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen US Patent No. 6,233,408 in view of Bieganski US Patent No. 6,321,221.

Applicant respectfully traverses this rejection.

Independent claim 1 includes **"basing a value of the reward on the individual quantities of each consumable detected as being consumed by the imaging device."**

Independent claim 10 includes **"basing the value of the reward on the individual consumable values of the consumables and the individual quantities of each consumable detected as being consumed by the imaging device."**

Independent claim 17 includes **"wherein a value of the reward is based on the individual consumable values of the consumables and the relative quantities of consumption of the plurality of consumables."**

Independent claim 25 includes instructions to **"base a value of the reward on the individual quantities of each consumable detected as being consumed by the imaging device."**

Independent claim 33 includes **"wherein a value of the reward is based on the individual consumable values of the consumables and the relative quantities of consumption of the consumables."**

Independent claims 1, 10, 17, 25, and 33, therefore, each include basing a value of the reward on the individual quantities of each consumable detected as being consumed by the imaging device or the individual consumable values of the consumables and the relative quantities of consumption of the consumables.

In addition, independent claim 12 includes **"detecting consumption of individual quantities of the consumable by each of the plurality of imaging devices using the**

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**consumption detecting device of each imaging device," and "when the consumption of a predefined collective quantity of the individual quantities of the consumable by the plurality of imaging devices has been detected, generating a reward."**

With respect to the Allen and Bieganski patents, Applicant submits that these patents, individually or in combination, do not disclose a method to promote the use of consumables in an imaging device as claimed in independent claim 1, do not disclose a method to promote the use of a plurality of consumables in an imaging device as claimed in independent claim 10, do not disclose an apparatus for providing the user of an imaging device with a reward as claimed in independent claim 17, do not disclose a computer-readable storage medium for use by a processor configured to execute computer executable instructions to generate a reward in response to the consumption of consumables by an imaging device as claimed in independent claim 25, and do not disclose a computer-readable storage medium for use by a processor configured to execute computer executable instructions to generate a reward in response to the consumption of consumables by an imaging device as claimed in independent claim 33, wherein a value of the reward is based on the individual quantities of each consumable detected as being consumed by the imaging device or the individual consumable values of the consumables and the relative quantities of consumption of the consumables.

In addition, Applicant submits that the Allen and Bieganski patents, individually or in combination, do not disclose a method to promote the use of a consumable in a plurality of imaging devices as claimed in independent claim 12, including detecting consumption of individual quantities of the consumable by each of the plurality of imaging devices, and generating a reward when the consumption of a predefined collective quantity of the individual quantities of the consumable by the plurality of imaging devices has been detected.

The Allen patent provides a printing apparatus which senses the level of its consumables, indicates when the level is low, and offers the user an opportunity to purchase OEM replacement consumables at a reduced cost (col. 2, lines 27-31). For example, the Allen patent provides that:

When the printer 10 determines that the level of ink is exhausted or nearing exhaustion, the printer 10 automatically prints data in the form of a token 32 (see FIG. 3). The token 32 is an incentive to purchase a particular product to replace the exhausted item. In the embodiment

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illustrated the token is in the form of coupon which provides cash savings on the purchase of a designated replacement item (col. 5, lines 18-25).

The Allen patent, however, does not base a value of a reward on individual quantities of each consumable detected as being consumed by an imaging device or individual consumable values of the consumables and the relative quantities of consumption of the consumables. In addition, the Allen patent does not detect consumption of individual quantities of a consumable by each of a plurality of imaging devices, and does not generate a reward when the consumption of a predefined collective quantity of the individual quantities of the consumable by the plurality of imaging devices has been detected.

The Bieganski patent discloses a system, method and article of manufacture for generating a serendipity-weighted recommendation output set to a user based, at least in part, on a serendipity function (Abstract). More specifically, the Bieganski patent discloses that:

Serendipity occurs when a user makes a pleasant discovery that would not normally have been made. A serendipitous recommender system is a recommender system that has the characteristic of providing recommendations that a user would not normally have come across. However, since existing recommender systems focus on providing accurate recommendations, the user is often presented with an obvious recommendation, and not a serendipitous one. The invention described and claimed below is useful for improving the user value of recommendations received from recommender systems. The present invention may be used to serendipity-weight and filter the recommendations from the recommender system so as to produce serendipitous recommendations, and may operate under real-time to provide fast interaction with the user or customer (col. 5, lines 14-29).

In one example, the Bieganski patent discloses that:

...A supermarket (virtual or physical) may provide the preferred recommender system as a way to help customers locate goods and brands of the appropriate quality, as well as introduce users to new consumable items that they will enjoy that they might not have known about before (col. 18, lines 44-49).

Many supermarkets now provide customers with "shopping club" cards to track individual customer purchases, and to provide customer rewards for frequent shopping. Each customer presents her card at the checkout counter to receive discounts, and the checkout register records all of the items that the customer has purchased. This purchase record may be used as a personal profile for the generation of serendipitous recommendations. The supermarket may then provide the customer with incentives to buy the recommended items by mailing coupons to the customer for those items identified in the set of serendipity-weighted and filtered recommendations (col. 18, lines 50-61).

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The serendipity-weighted and filtered recommendations of the Bieganski patent, however, do not base a value of a reward on individual quantities of each consumable detected as being consumed by an imaging device or individual consumable values of the consumables and the relative quantities of consumption of the consumables. In addition, the serendipity-weighted and filtered recommendations of the Bieganski patent do not detect consumption of individual quantities of a consumable by each of a plurality of imaging devices, and do not generate a reward when the consumption of a predefined collective quantity of the individual quantities of the consumable by the plurality of imaging devices has been detected.

Accordingly, Applicant submits that modifying the Allen patent in view of the Bieganski patent does not overcome the shortcomings of the Allen patent. More specifically, Applicant submits that the combination of the Allen and Bieganski patents does not disclose basing a value of a reward on individual quantities of each consumable detected as being consumed by an imaging device or individual consumable values of the consumables and the relative quantities of consumption of the consumables, as claimed in independent claims 1, 10, 17, 25, and 33, and does not disclose detecting consumption of individual quantities of a consumable by each of a plurality of imaging devices, and generating a reward when the consumption of a predefined collective quantity of the individual quantities of the consumable by the plurality of imaging devices has been detected, as claimed in independent claim 12. Applicant notes that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

In view of the above, Applicant submits that independent claims 1, 10, 12, 17, 25, and 33, and the dependent claims depending therefrom, are each patentably distinct from the Allen and Bieganski patents and, therefore, are each in a condition for allowance. Applicant, therefore, respectfully requests that the rejections of claims 1-36 under 35 U.S.C. 103(a) be reconsidered and withdrawn, and that claims 1-36 be allowed.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-36 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Response should be directed to either Nathan R. Rieth at Telephone No. (208) 396-5287, Facsimile No. (208) 396-3958 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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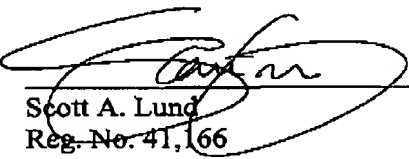
Respectfully submitted,

Travis J. Parry et al.,

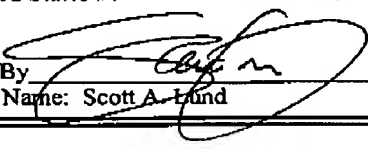
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**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 28<sup>th</sup> day of August, 2007.

By   
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